

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

SHERIFF BRAD COE in his official )  
capacity and KINNEY COUNTY, )  
TEXAS; SHERIFF J.W. GUTHRIE in )  
his official capacity and EDWARDS )  
COUNTY, TEXAS; SHERIFF )  
EMMETT SHELTON in his official )  
Capacity and MCMULLEN COUNTY, )  
TEXAS; SHERIFF ARVIN WEST in his )  
official capacity and HUDSPETH )  
COUNTY, TEXAS; THE FEDERAL )  
POLICE FOUNDATION, ICE )  
OFFICERS DIVISION, )

*Plaintiffs,*

v.

Civil Action No.  
3:21-CV-00168

JOSEPH R. BIDEN, JR., President, )  
in his official capacity; THE UNITED )  
STATES OF AMERICA; ALEJANDRO )  
MAYORKAS, Secretary of Homeland )  
Security, in his official capacity; U.S. )  
DEPARTMENT OF HOMELAND )  
SECURITY; TAE JOHNSON, Acting )  
Director of U.S. Immigration and )  
Customs Enforcement, in his official )  
Capacity; IMMIGRATION AND )  
CUSTOMS ENFORCEMENT; TROY )  
MILLER, Senior Official Performing the )  
Duties of Commissioner of U.S. Customs )  
and Border Protection, in his official )  
capacity; U.S. CUSTOMS AND )  
BORDER PROTECTION, )

*Defendants.*

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE AFFIDAVIT UNDER SEAL**

Plaintiff Texas sheriffs, Texas counties, and the Federal Police Foundation, ICE Officers Division, hereby file this Motion for Leave to File Affidavit Under Seal. In support of this Motion, Plaintiffs state the following:

1. Plaintiffs wish to file an affidavit from an Immigration and Customs Enforcement (“ICE”) officer representing the Federal Police Foundation.
2. The information in the affidavit is likely be useful to the Court in the adjudication of this case, because it describes the practice of ICE in implementing the February 18 Memorandum.
3. The affidavit contains information that could be used to identify other ICE officers who have provided information concerning the ICE procedures being used to implement the February 18 Memorandum at the center of this case.
4. The information provided is potentially embarrassing to Defendants, as it indicates that preapproval requests to detain certain illegal aliens have been denied, even though the illegal aliens in question clearly presents a threat to the safety of the public.
5. The ICE officers in question fear that the revelation of their identity may result in their supervising officers punishing them. Such punishment could take the form of workplace reprimands, suspension, termination, or reassignment.

WHEREFORE, Plaintiffs respectfully request that the Court grant Plaintiffs leave to file the Affidavit of the Federal Police Foundation under seal, and that the Court thereby prohibit counsel for Defendants from providing that Affidavit to anyone in the Department of Homeland Security (DHS).

Dated: July 8, 2021

By: s/ Kris W. Kobach  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that this Motion for Leave to File Affidavit Under Seal has been served on Defendants by electronic mail to counsel for Defendants below on this 8<sup>th</sup> day of July, 2021.

/s Kris W. Kobach  
KRIS W. KOBACH

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